

Aug 23, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LOUIE J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03020-RHW

**ORDER GRANTING MOTION FOR
REMAND FOR FURTHER
PROCEEDINGS**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 15.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C §1381-1383f. AR 1-5, 12-30, 74, 84, 98, 110. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 15. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** the Motion.

The Commissioner's decision to deny Plaintiff's application for disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to

1 sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge
2 shall:

- 3 ▪ Reconsider the medical evidence of record and provide legally
- 4 sufficient reasons for the weight given to each opinion;
- 5 ▪ Call a medical expert to assess Plaintiff's migraines;
- 6 ▪ Perform a new Listings analysis at Step Three of the Sequential
- 7 Evaluation Process, including Listing 11.02B;
- 8 ▪ Reassess Plaintiff's residual functional capacity, taking into account
- 9 all severe and non-severe impairments;
- 10 ▪ Reevaluate Plaintiff's subjective symptom testimony;
- 11 ▪ Perform a new analysis at Steps Four and Five, including obtaining
- 12 additional vocational expert evidence, if necessary; and
- 13 ▪ Issue a new decision.

14
15 ECF No 15.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.

18 2. The Commissioner's decision is **REVERSED** and this matter is
19 **REMANDED** for further administrative proceedings consistent with this
20 order.

21 3. All pending motions in this matter are now moot.

22 4. Reasonable attorney fees may be awarded under the Equal Access to
23 Justice Act, 28 U.S.C. § 2412 and/or 28 U.S.C. § 1920, upon proper request
24 to the Court.

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1 5. The District Court Executive shall enter judgment for the Plaintiff and
2 against Defendant.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order, forward copies to counsel, and **close the file.**

5 **DATED** this 23rd day of August, 2019.

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7 *s/Robert H. Whaley*
8 ROBERT H. WHALEY
 Senior United States District Judge